

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 1, 2008. Claims 1-20 are pending. The Office Action rejects Claims 1-20. Applicants respectfully request reconsideration and favorable action of all pending claims in view of the following remarks.

Section 102 and 103 Rejections

The Office Action rejects Claims 1, 5, 7, and 8 under 35 U.S.C. 102(b) as being anticipated by U.S. Pre-Grant Application Publication 2002/0105621 A1 to Kurematsu (“*Kurematsu*”). The Office Action rejects Claims 2-3 and 6 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pre-Grant Application Publication 2002/0105621 A1 to Kurematsu (“*Kurematsu*”) in view of U.S. Pre-Grant Application Publication 2002/0158986 A1 to Baer (“*Baer*”). The Office Action rejects Claims 4 and 17-18 under 35 U.S.C. 103(a) as being unpatentable over *Kurematsu* U.S. 2002/0105621 A1 in view of U.S. Patent 5,745,808 to Tintera (“*Tintera*”). The Office Action rejects Claims 9-12, 14-15, and 19-20 under 35 U.S.C. 103(a) as being unpatentable over *Kurematsu* U.S. 2002/0105621 A1 in view of *Baer* U.S. 2002/0158986 A1 in further view of *Tintera* U.S. 5,745,808. The Office Action rejects Claims 13 and 16 under 35 U.S.C. 103(a) as being unpatentable over *Kurematsu* U.S. 2002/0105621 A1 in view of *Baer* 2002/0158986 A1 in view of *Tintera* U.S. 5,745,808 further in view of U.S. Patent 5,258,848 to Kondo (“*Kondo*”). Applicants respectfully traverse the rejections for at least the reasons described below.

Independent Claim 1 recites, in part: “a processor capable of **determining** a first position of an adjustable aperture based at least in part on at least a portion of the data collected by the histogram module, **and a second position of the adjustable aperture based at least in part on the first position**, the processor further capable of determining a gain to apply to the second frame of the signal based at last in part on the second adjustable aperture position.” The Office Action indicated (at Page 4) that *Kurematsu* discloses determining a second position of the adjustable aperture based at least in part on the first position in ¶¶ 0084 and 0098, but this is incorrect. These portions of *Kurematsu* merely disclose stop vanes that are “formed in accord with the arrangement of the unit images of the light source image by the integrator ... rotated to thereby uniformly intercept each unit image and therefore ... a uniform brightness distribution image is always obtained.” ¶ 0084. Thus, *Kurematsu*

discloses that the stop vanes are rotated in accordance with unit images and their luminance and says nothing regarding determining “a second position of the adjustable aperture based at least in part on the first position.” The Office Action stated that each new position of the stop vanes is “necessarily responsive to, and dependant upon, the previous aperture position.” Page 4. Yet this is incorrect because *Kurematsu* discloses that the stop vanes are rotated to “uniformly intercept each unit image” which means that the positions of the stop vanes are necessarily dependent upon the unit image, not the previous positions. Thus, *Kurematsu* does not disclose all of the limitations of Claim 1 and it is therefore allowable, as are its dependents. Favorable action is requested.

Independent Claim 9 recites, in part: “determining a gain to apply to a subsequent frame based at least in part on a new aperture position, **wherein the new aperture position is based at least in part on the current aperture position and the step size to move the aperture.**” The Office Action indicated at Page 10 that *Kurematsu* disclosed this limitation because the luminance of a succession of input frames is compared in *Kurematsu*, but this is incorrect. *Kurematsu* does not disclose determining a new aperture position based at least in part on the current aperture position because it discloses determining a new aperture position directly from the luminance of an input frame or the calculated maximum luminance of several input frames. In particular, *Kurematsu* teaches calculating a maximum luminance from either one or several frames in succession. ¶ 0073. Then, based on this calculated maximum luminance, a new aperture position is determined. ¶ 0080. *Kurematsu* does not disclose that the current aperture position was measured or referred to when computing the new aperture position.

The Office Action attempts to overcome this by stating (at Page 10) that examining the luminance of input frames inherently involves measuring the current aperture position, but this is incorrect. *Kurematsu* discloses that luminance is determined by more than just the aperture position which indicates that simply measuring the luminance of one input frame or comparing the luminances of several input frames does not include measuring the current aperture position. In particular, *Kurematsu* discloses that both aperture and a light modulating element (which affects the amplification of the signal) are used to vary the luminance such that the “actual display luminance level” becomes constant. ¶¶ 0079-0080. Since multiple factors are used to manipulate luminance, measuring the current aperture position is not inherent to measuring the luminance of one or several input frames.

Regardless, the luminance that is measured in the reference is not affected at all by the current aperture position because the Office Action cited to the measuring and comparing of the luminance of input frames (at Page 10). *Kurematsu* discloses that the luminance of the input frames are used to select the new aperture positions as well as other factors in order to affect the “actual display luminance level.” ¶ 0080. The aperture position affects the actual display luminance level, not the luminance of input frames. Thus, *Kurematsu* discloses that the current aperture position does not affect the luminance of the input frames but the luminance of the actual display.

Further, *Kurematsu* does not disclose that the new aperture position is based at least in part on a step size to move the aperture. The Office Action does not cite to any portion of *Kurematsu* which discloses a step size. At least in light of the arguments above, it is clear that *Kurematsu* does not disclose “determining a gain to apply to a subsequent frame based at least in part on a new aperture position, wherein the new aperture position is based at least in part on the current aperture position and the step size to move the aperture.”

In addition, independent Claim 9 recites, in part: “adjusting a rate at which to move the aperture based at least in part on a current background storage module and a magnitude of a difference between the target aperture position and a current aperture position.” The Office Action indicated (at Page 10) that *Tintera* disclosed this limitation by disclosing a table that generated aperture positions based on light levels, but this is incorrect. The table disclosed in *Tintera* merely generates an aperture position based on a light level. Figure 3A. It does not use “a magnitude of a difference between the target aperture position and a current aperture position.” The table in *Tintera* merely uses a light level to yield an aperture position and gain. Col. 4, ll. 1-10. Further, the “aperture steps” referred to in *Tintera* are aperture positions, not a rate. (*Tintera* discloses that “aperture steps typically refer to incremental aperture diameters,” col. 4, ll. 30-31). Hence, *Tintera* does not disclose “adjusting a rate at which to move the aperture based at least in part on a current background storage module and a magnitude of a difference between the target aperture position and a current aperture position.”

Thus, all of the limitations of Claim 9 are not disclosed by *Kurematsu* nor by *Tintera* and is therefore allowable, as are its dependents. Claim 17 is allowable for analogous reasons, as are its dependents. Favorable action is requested.

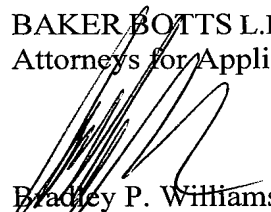
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact the undersigned Attorney for Applicants at the Examiner's convenience.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to **Deposit Account No. 20-0668 of Texas Instruments.**

Respectfully submitted,
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